

Operational Advice – Trespassing On Land Without Consent / Unauthorised Encampments

Police Crime, Sentencing and Courts Act 2022: Changes to Legislation

27th June 2022

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This revised operational advice has been produced and approved by the NPCC Diversity, Equality and Inclusion Co-ordination Committee. This document covers circumstances in respect of trespassing on land without consent, also referred to as unauthorised encampments.

Operational advice produced by the NPCC should be used by Chief Officers to shape police responses to ensure that the general public experience consistent levels of service. The implementation of all operational advice will require operational choices to be made at local level in order to achieve the appropriate police response. It will be updated and re-published as necessary.

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1. Introduction and Context

This document is guidance covering the options to be considered in using the powers available for police to respond to circumstances in respect of trespassing on land without consent, such powers having been amended by the Police, Crime, Sentencing and Courts (PCSC) Act 2022.

The most significant legislative change in the Act is the introduction of a new summary criminal offence of residing on land without consent in or with a vehicle. The Act also amends existing powers previously available under the Criminal Justice and Public Order Act (CJPOA) 1994.

This document should be read in conjunction with the statutory guidance issued by the Secretary of State under Section 62F of the CJPOA 1994 which will also help police forces exercise the powers in both the new and amended provisions of the Act. As the Act states, the Secretary of State must issue guidance relating to the exercise of these powers and Police Officers in England and Wales must have regard to that guidance when exercising the powers.

The statutory guidance states that these measures have been designed to apply to anyone who meets the conditions for enforcement action regardless of race or ethnicity. It also states that whilst the Government expects the police to act where appropriate against those who break the law, the police must also continue to consider their obligations under human rights legislation, their Public Sector Equality Duty and wider equalities legislation.

This is an important point as, in many cases, Gypsies, Roma and Travellers – recognised ethnic groups in England and Wales – are often involved in setting up what are referred to as unauthorised encampments. A wider understanding of why this happens and the context of these events, is necessary to make a reasoned judgment on appropriate action, together with the evidence of individual events.

The NPCC has stated for some years that the key issue to address on a national level in respect of Gypsy, Roma and Traveller communities is the lack of appropriate accommodation for them. The shortage of suitable sites for families to live on and access as they move around the country often creates the biggest single source of conflict between the Travelling and settled communities.

Issues of trespass without consent can raise many concerns with the landowner and neighbouring members of the settled community. Some of these concerns are unfounded, however some circumstances do cause disproportionate harms. NPCC Operational Advice explains the framework within which the police should act, recognising the requirement to balance the needs of all parties involved.

The ultimate solution to these issues will be found in the provision of sufficient lawful accommodation accompanied by closer working between the police, local authorities and all other public services.

2. New offence relating to residing on land without consent in or with a vehicle, as introduced by the Police, Crime, Sentencing and Courts (PCSC) Act 2022.

The primary conditions of this new criminal offence are contained in Section 60C(1) of the Criminal Justice and Public Order Act 1994, as amended by the PCSC Act 2022. The offence applies where:

- a) a person is aged 18 or over;
- b) a person is residing, or intending to reside, on land without the consent of the occupier of the land;
- c) a person has or intends to have at least one vehicle with them on the land;
- d) one or more conditions in subsection 60C(4) of the CJPOA are met (see below);
- e) the person is requested to leave and/or remove their property by the occupier, a representative of the occupier or police.

Section 60C(2) goes on to say that a criminal offence is committed when a person meets all the conditions in Section 60C(1) as above and also meets one of the following:

- a) a person fails to comply with the request to leave as soon as reasonably practicable; or
- b) a person re-enters or enters the land with an intention of residing there without consent and has, or intends to have a vehicle with them, within 12 months of the request being made.

Specific conditions related to harm – Section 60C(4)

The conditions are —

- a) in a case where a person is residing on the land, significant damage or significant disruption has been caused or is likely to be caused as a result of their residence;
- b) in a case where a person is not yet residing on the land, it is likely that significant damage or significant disruption would be caused as a result of their residence if they were to reside on the land;
- c) that significant damage or significant disruption has been caused or is likely to be caused as a result of conduct carried on, or likely to be carried on, by that person whilst on the land;
- d) that significant distress has been caused or is likely to be caused as a result of offensive conduct carried on, or likely to be carried on, by that person whilst on the land.

Thus people **aged 18 or over** would commit the proposed offence if they: -

- reside or intend to reside on land without consent and;
- they have or intend to have at least one vehicle with them;
- they cause or are likely to cause **significant damage, disruption or distress** as a result of either residing / intending to reside on the land or their conduct / potential conduct whilst on the land;
- they fail as soon as reasonably practicable to leave when directed to by the owner, someone representing them or the police, or return within the prohibited period of 12 months.

Key Points and Considerations...

The word **significant** will be crucial in establishing if any criminal offence has been committed under this new legislation.

Possible definitions for “significant” damage, disruption or distress are outlined in the statutory guidance which states that the police will be the party who determines if any “significant” damage, disruption or distress has been caused.

The statutory guidance states: **“If the police deem the harms to not be significant, then the offence under Section 60C would not apply.”**

3. Amendments to previously existing powers

As stated in the statutory guidance, in cases where no significant harms have been committed, police may decide to take other enforcement action using previously existing powers under Section 61 of the Criminal Justice and Public Order Act 1994, depending upon the circumstances of each case and providing the relevant conditions are met.

Section 61 gives police the powers to direct trespassers on land who have the common purpose of residing there for any period.

The power applies where the senior officer present reasonably believes that two or more people are trespassing on land with the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and any of the following have occurred:

- a) any of the trespassers has caused, damage, disruption, or distress, including threatening, abusive or insulting words or behaviour etc or
- b) the trespassers have between them six or more vehicles on the land.

The conditions that can be caught by the power to direct under 61(1) (a) have now been broadened. These replicate the damage, disruption and distress included in the new offence but will not need to meet the threshold of “significant”.

Failure to comply with the direction, by failing to leave the land as soon as reasonably practicable, without reasonable excuse, is an offence.

Similarly, it is an offence for a trespasser who has left the land in compliance with a direction to re-enter it as a trespasser within 12 months of the direction being given.

The period of prohibited return has now been extended from 3 months to 12 months.

If breached, without reasonable excuse, police will be able to exercise powers of arrest and seizure.

If a person fails to remove their vehicle as directed, without reasonable excuse, or enters the land as a trespasser within 12 months of the direction to leave being given, the police officer may seize and remove that vehicle under section 62 of the CJPOA.

A direction under 61 can be issued to trespassers on land that forms part of a highway, but only where other conditions are met.

Reasonable Excuse

A person can show they have a reasonable excuse for failing to leave the land as soon as reasonably practicable or for entering again within the prohibited period.

Police will be expected to consider what constitutes a reasonable excuse depending on the factual circumstances of each case.

The following examples may be unlikely to be considered reasonable excuses:

- a) the vehicle has broken down; the legislation states a vehicle is any vehicle, whether or not it is in a fit state for use on roads and includes any chassis or body, with or without wheels;
- b) the attendance of events;
- c) the attendance of an appointment, unless for medical reasons to which the police and courts deem a reasonable excuse for residing on land without permission applies.

4. Working with Other Agencies

“It remains the case that the response to unauthorised encampments and to individuals who do not leave land when asked to do so, causing harm in the conditions set out, requires a locally driven multi-agency response, led by local authorities and supported by police.”

Home Office Statutory Guidance

Forces should work with local authorities to agree Joint Agency Protocols for the management of trespassing without consent. Forces should also consider establishing a liaison officer to work with local authorities on the implementation of joint protocols. This should be progressed within local Community Safety Partnership (CSP) forums in England and Wales or through other relevant local strategic frameworks.

Following on from the above, forces and local authorities should also consider working with other major landowners in their areas to agree similar protocols. Other major landowners may include Housing Associations, the National Trust or local farmers.

The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful, indeed it is a culture that is recognised and protected through legislation. Romany Gypsies and Irish Travellers are protected under this Act. The Public Sector Equality Duty applies to the police and all other public authorities. The Act places a duty on all authorities to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

A joint decision should ideally be reached between the local authority, landowner and the police regarding the most appropriate course of action taking into account the impact on the landowner and wider community.

Local Authorities should be the lead agency in the initial stages of assessing the welfare of trespassers.

If forces are made aware of issues relating to trespassing without consent, they will be expected to respond to each case on its own merits and determine through gathering evidence what the appropriate action should be. It is likely that the police will be contacted in respect of the new powers available and asked to make a judgement as to whether the threshold of ‘significant’ has been met.

Consideration should be given to the legislation available, whichever is the most appropriate to manage the circumstances. Ultimately, the final decision on using the new Section 60C(1) CJPOA power rests with the police, but the use of police powers should not be the default position.

When considering how to respond, police should consider the potential impact issuing a direction to leave, arresting a person or seizing a vehicle may have on the families involved and on the vulnerable, before taking an enforcement decision.

On occasions other agencies may request police officers to accompany them to an incident to assist them for a lawful purpose. Such assistance is a matter for local discretion. Officers must take care to ensure that they do not become agents for the other parties, and on such occasions

maintain neutrality from the other's purpose, but to provide reassurance to all involved that the peace will be maintained.

Where there are no authorised sites, and the authority reaches the view that the incident is not causing a level of damage, disruption or distress which cannot be effectively controlled, it should consider providing services, such as toilets, a refuse skip and a supply of drinking water at that site.

5. Use of Police Powers

“The decision on which police powers are used remains at the discretion of the police officer attending a particular incident who must, when exercising that discretion, have regard to this guidance.”

Home Office Statutory Guidance

The co-ordinated use of powers available under the Criminal Justice and Public Order Act 1994 allows for a proportionate response to incidents covered by this guidance based on the behaviour of the trespassers.

Current legislation affords the police and local authorities a range of powers, the use of which is subject to a range of factors. Groups of known individual families where there are small numbers in acceptable locations, not causing anti-social behaviour or crime, can be allowed to remain in that location longer than would otherwise be the case if the law were different. This approach leads to the Gypsies and Travellers having a real incentive to act in a responsible manner.

Sections 60C to 60E of the Criminal Justice and Public Order Act 1994 set out the criminal offence relating to residing on land without consent, in or with a vehicle, and associated seizure and forfeiture powers.

In cases where no significant harms or any criminal offence have been committed, police may decide to take other enforcement action using Sections 61 or 62 of the Criminal Justice and Public Order Act 1994, providing the conditions of this are met.

Forces should consider becoming involved in bringing about the prompt and lawful removal of groups trespassing without consent using Section 61 or 62 powers where:

i) Local amenities are deprived to communities or significant impact on the environment.

This could include, for example, occupying any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action is taken.

ii) There is local disruption to the economy.

Local disruption to the economy would include occupying a shopping centre car park, or in an industrial estate, if it disrupts workers or customers, or agricultural land, if this results in the loss of use of the land for its normal purpose.

iii) There is other disruption to the local community or environment.

This might include where other behaviour, which is directly related to those present is so impactful that a prompt eviction by police becomes necessary, rather than by other means.

iv) There is a danger to life.

An example of this might be a group gathered adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway.

v) There is a need to take preventative action.

This might include where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. This reasoning will take on greater emphasis if the land occupied is privately owned, as the landowner will be responsible for the cleansing and repair of their property.

The mere presence of a group without any aggravating factors should not normally create an expectation that police will use eviction powers. This should be communicated to the public, landowners, local authorities, and other agencies.

Forces should develop a local communication strategy, ideally together with local authorities, to ensure the rationale for the use or otherwise of legislation is clear to all parties.

An Officer should be mindful that if the threshold of “significant” is met, they should consider the appropriate offence.

If a decision is made to use police powers to evict then the rationale for the decision should be clearly set out and recorded.

In all cases, as stated above, relevant Human Rights legislation must be applied to all decisions made i.e., that the elements of Sections 60, 61 or 62 are satisfied, and that it is necessary and proportionate to use the powers.

Section 62A of the Criminal Justice & Public Order Act 1994 creates a power for the senior police officer present to direct a person to leave land and remove any vehicle or other property with him / her on that land if the senior police officer present reasonably believes that the conditions below are satisfied. The conditions are:

- that the person and one or more others (the trespassers) are trespassing on the land;
- that the trespassers have between them at least one vehicle on the land;
- that the trespassers are present on the land with the common purpose of residing there for any period;
- if it appears to the officer that the person has one or more caravans in their possession or under their control on the land, that there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans;
- that the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.

The availability of suitable pitches at authorised sites or transit facilities will be an essential consideration before powers under Section 62 A-E can be used and liaison between police forces and their local authorities will be necessary to ascertain such availability or otherwise.

6. Operational Tactics

All police decisions and actions must be made in compliance with the provisions of the Human Rights Act 1998. Any action should only be such as is necessary for public safety, the prevention of crime or disorder, the protection of health, or for the protection of the rights and freedom of others.

All police actions should be conducted in a manner compatible with the operational principles of safety, lawfulness, necessity, proportionality and common humanity. Actions should be completed in a manner that is the least intrusive to achieve the purpose. It is necessary to achieve a balance in the protection of the rights and freedom of all persons concerned with a specified incident.

Where appropriate, it is recommended that the police visit newly established trespass incidents, and that a local supervisory officer be informed. Visits should, wherever possible be done together with the landowner, Local Authority, and other relevant agencies. PCSOs should only be deployed as part of the local neighbourhood policing team response, not in relation to confrontational situations.

Initial contact should be made with the people on the site, and an assessment made of the impact of its location, as well as the behaviour displayed by the occupants. The occupants should be spoken to in order to establish their identities and location of last site, and to ascertain their views on desired duration of stay as well as any pressing welfare needs.

Officers should identify any offences disclosed or apparent e.g., criminal damage caused to gain entry to land, obstruction of any footpaths or other highways, any other anti-social behaviour.

Officers should discuss with those present what constitutes unacceptable conduct. They may consider it appropriate to give them a copy of the recommended *Code of Conduct*. (Example at [Appendix 1](#)).

Officers should assess whether the location of the group, behaviour of residents or needs of the landowner justifies an eviction using police powers.

Liaison should be maintained with the landowner, those most affected by the incident and our partner agencies to assess the need for Police intervention.

In accordance with guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC) in England or the Welsh Assembly Government (WAG) in Wales the Local Authority, as lead agency for unauthorised encampments, should take an active role in engaging with the site residents and will in particular take the lead with sites established on their land, which do not require immediate Police action. Periodic visits by police officers to the site can also be beneficial to get to know site residents and also to pick up on any community tensions that may give rise to more serious incidents. These visits will be enhanced if completed along with designated Local Authority staff members. The absence of such visits will not prohibit the future use of police powers, but may help in justifying the use of these powers if this proves necessary. These visits will also provide an audit trail to support decision-making.

It is suggested that attending officers should complete an initial site assessment. (Example at [Appendix 2](#))

The decision whether or not to utilise police eviction powers should be periodically reviewed to establish if circumstances have changed that will require the use of a police eviction to protect the rights of others. All information concerning the site and the site occupants should be shared with all

involved agencies (subject to the provisions of the Data Protection Act), to ensure that a balanced common approach is adopted in fairness to all.

Assessment visits should only log details of vehicles and people where there are grounds to suspect those individuals of anti-social behaviour or criminal activity.

Where appropriate, vehicle and / or any person details should be checked on the Police National Computer (PNC) for 'markers' (which if present should be acted upon as appropriate). Any criminal intelligence should be submitted in the normal format using intelligence systems.

A separate log should be created for each trespassing on land without consent incident notified to the Police. Any calls from the public relating to the incident or directly attributable to its occupants, should be recorded within the log, including any complaint calls.

Forces should ensure that there is a clear audit trail of decision making which sets out the rationale for all decisions made. Where separate Command and Control logs are created for specific incidents, which relate to the occupation of the same land, these should be 'incident-matched' to the main log once concluded. At the conclusion of the occupation of the land the log should be endorsed suitably with the outcome, including any eviction powers used, and the general behaviour and conduct of the residents.

A suggested Direction to Leave Land Decision Form and a Notice to Leave Land Form are attached. (Examples at [Appendix 3](#) and [Appendix 4](#))

All officers and police staff are responsible for ensuring that all crimes they become aware of in the course of their duty are identified for crime recording. The principles of the Home Office Counting Rules and the National Crime Recording Standards should be used by officers and staff in their assessment of all potential crimes arising from such situations.

7. Recording of Information

Existing powers under Section 61 of the Criminal Justice and Public Order Act 1994 have been amended. Section 61 gives police the powers to direct trespassers on land who have the common purpose of residing there for any period.

The period of prohibited return has now been extended from 3 months to 12 months.

If breached, without reasonable excuse, police will be able to exercise powers of arrest and seizure.

If a person fails to remove their vehicle as directed, without reasonable excuse, or enters the land as a trespasser within 12 months of the direction to leave being given, the police officer may seize and remove that vehicle under section 62 of the CJPOA.

Where any Police Powers are formally used, local intelligence systems should record this information. As this offence does not relate to any specific group or ethnicity, any record should not include this information. This intelligence should be weeded from systems after a 12-month period when the further provision (arrest for an offence) is no longer applicable.

Where the new criminal Offence under Sec 60C is used, the crime reference number should be retained on Police systems and provided to Local Authorities / Landowners as required.

Where police powers are **NOT** used following any assessment, any intelligence should only be kept for as long as is necessary.

The appendices of this document include a suggested initial site assessment form, notices to leave land that forces may wish to use along with a direction to leave land form. Again, these forms should only be kept as long as is necessary and for a maximum 12-month period.

Chief Constables should have regard to Section 149 of the Equality Act 2010 which sets out “The Public Sector Equality Duty”. That duty applies to all public authorities (including Chief Constables) to have regard to the need to advance equality of opportunity.

There is no statutory duty on public authorities, such as Chief Constables, to complete an Equality Impact Assessment before deciding to act or not act in particular ways that relate to equality. However, it is good practice to do so. Doing so allows an informed and considered view in any decisions because the Equality Impact Assessment should examine the facts in terms of the implications of the different potential courses of action.

This Operational Advice does not seek to direct Chief Constables but it does urge them to give very careful consideration to conducting an Equality Impact Assessment and recognise the potential benefits of doing so.

The new legislation under Section 60(c) provides a new criminal offence which will be recorded on the Police National Computer, so a review of the use of this legislation over time by way of an Equality Impact Assessment / Equality Analysis would be recommended.

8. Safeguarding / Welfare issues

Police should ensure that, in accordance with their wider Equalities and Human Rights obligations, proper welfare enquiries are carried out to determine whether there are pressing needs presented by those involved in these incidents and that, where necessary, the appropriate agencies (including Local Authorities) are involved as soon as possible.

If vehicles are seized during incidents of this nature, officers must be aware that these are, in effect, people's homes, and links to relevant local authorities should be established to ensure subsequent appropriate accommodation is provided.

Incidents of this nature also have potential wider issues in respect of children and animals from a safeguarding perspective and forces should ensure they have local policies and procedures in place to deal properly with such circumstances.

9. Costs / Compensation

Police will be able to exercise powers of arrest and seizure in relation to the offence. The power of seizure includes a vehicle but is not limited to this.

A constable can remove any property on the land which the police suspect the person had or intended to have with them for the purposes of the offence or which was subject to the request to leave if that property:

- a) belongs to the person suspected of committing the offence;
- b) is in the person's possession; or
- c) is under the person's control

Section 60D (2A) provides that a vehicle can be seized 'wherever located' For 'other property' to be seized it must be on the land which was subject to the request to leave, as provided by section 60D(2)(b).

Section 60D (10) and (11) prevent another person retrieving the seized vehicle where the chief officer of police reasonably believes that the vehicle was in the possession or control of the offender with that person's consent at the time of the offence.

The relevant chief officer of police may retain any property that has been seized under subsection (1) until the end of the period of three months beginning with the day of the seizure or, if criminal proceedings are commenced, until the conclusion of those proceedings.

If a prosecution is not taken forward, the property must be returned to the person believed to be the owner as soon as practicable.

If a chief officer of police cannot after reasonable inquiry identify the vehicle owner:

- a) the chief officer must apply to a magistrates' court for directions, and
- b) the court must make an order about the treatment of the property.

Existing vehicle seizure regulations can be found in the Police (Retention and Disposal of Motor Vehicles) Regulations.

10. Complaints / Hate Crimes

Police may receive complaints relating to the behaviour of occupants at trespass incidents, or from the occupants relating to other people. The initial police response to such calls should, of course, be the same as for any other incident, and graded on its priority. If attendance to see a complainant is appropriate, or to investigate a report, then an appropriately staffed police resource should attend to investigate.

The allegation of a crime or identification of an individual suspect at such incidents should not be grounds alone for consideration of a full group eviction. The factors must be weighed accordingly, and a decision taken on the necessary and proportionate action required, and so action that may be considered will include the giving of advice, arrests, eviction or a combination of all.

Where occupants at trespass incidents are victims of crime or anti-social behaviour, they must be given access to services in the usual way. If there is a perception that the incident is racially motivated then the matter should be dealt with in line with Hate Crime policy.

The law on Hate Crime defines “racial group” as a “group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins”.

This definition is very wide and victims may come within the definition under one or more of these categories. Gypsies, Roma and some Travellers should be considered as falling within the definition.

The hate crime flag is perception-based, meaning that it can be applied if the victim or any other person, perceives the crime to be motivated by hostility or that hostility was demonstrated during the commission of the offence.

To flag a file as a Hate Crime, it is **not** necessary to have the evidence to prove the aggravating element. But this evidence **will be needed** to prove the aggravating element at court.

The perception of the victim is key in Hate Crime but attending officers, supervisors and CPS lawyers can also consider whether to add a Hate Crime flag to a case.

The law on Hate Crime refers to **hostility, not hatred**. There is no statutory definition of hostility and the everyday / dictionary definition is applied.

Local consideration of planning applications for official Gypsy, Roma and Traveller sites and the use of unofficial encampments can trigger online / offline activity, which may become criminal.

The following is not exhaustive but provides a range of victim experience to consider when looking at available evidence. **N.B. each case will depend on its own facts and circumstances: -**

Incident - evidence of:

- derogatory or racist abuse and use of related emojis;
- use of offensive stereotypes;
- threats of violence towards encampments involving criminal damage or arson;
- reference to the Holocaust;
- targeting of cultural identity;

- reference to religion or assumed religion.

Further information can be found on the True Vision website – www.report-it.org.uk – or on the Crown Prosecution Service website – www.cps.gov.uk/crime-info/hate-crime

Appendices

Appendix 1 – Suggested *Code of Conduct*




Appendix 2 – Initial Site Assessment Form


Appendix 3 – Direction to Leave Land Decision Form

Appendix 4 – Notice to Leave Land Forms

Appendix 5 – Training Slides: NPCC Operational Advice – Trespassing On Land Without Consent / Unauthorised Encampments

Appendix 1 – Suggested Code of Conduct

<p>Moving On</p> <p>Whether you choose to leave or are required to do so, please leave the site as you found it.</p> <p>The condition of the site when you leave will be taken into consideration if you move to another location.</p> <div style="display: flex; align-items: center;">  </div> <div style="display: flex; align-items: center;">  </div>	<p>Useful information and contacts Insert local contacts telephone and email e.g. Partnership Unit, Local Authority, Neighbourhood Policing Team, True Vision Hate reporting help line</p> <hr/> <p>Education e.g. Education Welfare Officers</p> <hr/> <p>Accommodation e.g. Accommodation Advice, Homeless Line</p> <hr/> <p>Emergencies</p> <table border="0"> <tr> <td>Police</td> <td>For emergencies 999</td> </tr> <tr> <td></td> <td>Non emergencies 101</td> </tr> <tr> <td>NHS Direct 111 (medical advice)</td> <td>NHS Direct 111 (medical advice)</td> </tr> </table> <p>Insert other local contacts</p>	Police	For emergencies 999		Non emergencies 101	NHS Direct 111 (medical advice)	NHS Direct 111 (medical advice)	<p>Insert Police, Local Authority and Partnership logos here</p> <hr/> <p>Good Neighbour Code for Gypsy and Traveller Families</p>  <p>Version (date produced)</p>
Police	For emergencies 999							
	Non emergencies 101							
NHS Direct 111 (medical advice)	NHS Direct 111 (medical advice)							

<p>This Code explains what is expected of the Travelling community and how we will manage trespassing on land without consent.</p> <p> When we are told you have arrived, a member of the Partnership team will complete a welfare check. We will ask for information like family name, number in the group, and health, education and accommodation needs.</p> <p> Any trespassing on Council owned land will be time-limited. The following are also considered: welfare checks, reasonable behaviour, co-operation of all parties, and previous behaviour whilst in the partnership area.</p> <p> Failure to comply with the Code will result in immediate action and to move you. If you are applying for permanent or transit accommodation, any breaches of the Code will be considered.</p> <p> The Partnership will work with you, local residents and businesses. We ensure everyone's rights and responsibilities are balanced in a fair but firm manner.</p> <div style="text-align: center;">  <p>know your neighbour</p> </div>	<p>What support we can provide:</p> <p>PROVIDE: Portable toilets. These can be made available for the encampment at a cost. You will be charged if there is any damage to the toilet.</p> <p>ARRANGE: Rubbish collections. Bin bags will be provided and collections arranged for domestic waste only. Any dumping on the land will be treated as 'fly tipping' and dealt with as such.</p> <p>VISIT SITE DAILY Visits will be undertaken to ensure the code is being complied with and record any breaches to the Good Neighbour Code.</p> <p>RECORD: Information collected will be managed in accordance with all relevant data protection requirements. All information about an encampment - welfare information, complaints and breaches of this code - is kept and will be used when deciding what any future action.</p>	<p>DO's</p> <ul style="list-style-type: none"> Do keep children under control and under adult supervision at all times. Do keep all animals secured at all times. Do ensure all rubbish is placed in bin bags and kept in one place. Do ensure all children (5-16 years old) are accessing suitable full-time education. <p>DON'T</p> <ul style="list-style-type: none"> Don't use threatening or abusive behaviour towards any person attending the site. Don't park vehicles (including caravans) in a way that causes a hazard or obstruction. Don't cause any damage to the land or environment. Don't dump or inappropriately dispose of household, human or trade waste.
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Appendix 2 – Initial Site Assessment Form

INITIAL SITE ASSESSMENT

INITIAL INFORMATION					
Day		Date		Time	
Reference Number:					
LOCATION INFORMATION					
Nearest Road					
Borough/District		Post Code			
Division					
LAND & GENERAL INFORMATION					
What is the normal use of this land and how is this use being affected by the persons trespassing? <i>Provide as much detail as possible to this question as this is critical to the assessment of the impact of the incident</i>					
Who is the owner of the land?					
Has the requirement to quit the land been given by the landowner (or their authorised agent) to the trespassers and has any notice period for this expired? <i>Include all details including name of individual who made this requirement & circumstances in which it was given/made</i>					<input type="checkbox"/> Yes <input type="checkbox"/> No
Has a subsequent formal request been made by, or on behalf of, the owner of the land for police to use police powers to remove the trespassers?					<input type="checkbox"/> Yes <input type="checkbox"/> No
Has any damage been reported and/or identified? If so, what?					<input type="checkbox"/> Yes <input type="checkbox"/> Yes, significant damage <input type="checkbox"/> No

Has any distress been caused? If so, who to?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, significant distress <input type="checkbox"/> No
Has any disruption been caused? If so, what?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, significant disruption <input type="checkbox"/> No
Is there an environmental impact? <i>Consider litter or waste risks</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
TRESPASSER INFORMATION	
What is known of the trespassers' intentions?	
How many persons and vehicles are present?	
Is anything known about the conduct of all or part of this group of trespassers at their last stopping place? <i>Include details if known of the location and relevant reference number</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Is there any relevant intelligence relating to this incident from neighbouring areas?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are any animals present? <i>Numbers tied/untied? Any risk to the public or highway?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
LOCAL AUTHORITY INFORMATION & WELFARE	
Has the representative of the Local Authority been made aware of this incident? If so, who was advised and what feedback have they provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the local authority conducted a welfare visit? If yes what was the outcome? If no why has this not been conducted?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What welfare needs or considerations have been identified for those on the site?	
COMMUNITY INFORMATION	
Have any representations in respect of the incident been received from members or representatives of the local community? <i>Where these relate to criminal conduct or anti-social behaviour alleged against those persons trespassing, what steps have been taken to investigate and record these allegations?</i>	
OTHER INFORMATION	
What is the overall impact to the local community / landowner?	

Are there any other factors, not detailed above, which should be taken into account when considering the impact of this incident?			
Now set out what policing measures will be put in place to manage this incident and provide reassurance to the local community			
What communications will be put in place following any decision on use of police powers to manage this incident and provide reassurance to the local community?			
OFFICER COMPLETING			
Name		Rank & ID Number	
Date completed		Time completed	



Appendix 2 - Initial Site Assessment Form

Appendix 3 – Direction to Leave Land Decision Form

DIRECTION TO LEAVE LAND DECISION RATIONALE RECORD

Location:		
Date reported to Police:		
Police Ref. No.		
Land Owner:		
Site Reference No (if any):		
General Information / Summary <i>Where/what/when/why/how was the site established, who owns the land, how are they and others affected? What is the previous history of the site and the occupying family? Highway is now covered by relevant legislation.</i>		
Aggravating Factors <i>Record the number of caravans and vehicles present here, together with the factors that have been taken into account regarding the need to direct to leave, such as damage, disruption or distress caused and impact on other communities.</i>		
Mitigating Factors relating to the camp (including welfare issues): <i>If possible, Local Authority staff should attend to complete health and welfare assessments. Although the legislation does not prevent a direction to leave by the police where no formal welfare enquires have been completed, such enquiries should be made wherever practicable. In any event, police should complete welfare enquiries at the time of service of the notice, with any issues noted on the notice.</i>		
Section 60C requirements: SIGNIFICANT damage, disruption or distress		
A person is residing or intends to reside on land without consent of the land's occupier	Select...	A
has (or intends to have) at least 1 vehicle with them on the land	Select...	B
A person has caused or likely to cause SIGNIFICANT damage	Select...	C
A person has caused or likely to cause SIGNIFICANT disruption	Select...	D
A person has caused or likely to cause SIGNIFICANT distress	Select...	E
In order to consider using Section 61 there must be A+B and either C, D or E.	Select...	
Section 61 requirements: Damage, disruption or distress OR 6 or more vehicles		
Unauthorised trespassers have failed to respond to requests from or on behalf of the legal occupier of the land, and that any notice period given by them has expired?	Select...	A
Two or more people are trespassing on land	Select...	B
they are present there with the common purpose of residing there for any period	Select...	C

that reasonable steps have been taken by or on behalf of the occupier to ask them to leave	Select...	D
that any of those persons have caused damage, disruption or distress	Select...	E
that people on the land have between them six or more vehicles	Select...	F
In order to consider using Section 61 there must be A+B+C+D and either E or F.	Select...	
Section 62A requirements: Alternative site available		
Two or more people are trespassing on the land	Select...	A
The trespassers have between them at least one vehicle on the land	Select...	B
The trespassers are present on the land with the common purpose of residing there for any period	Select...	C
It appears that the person has one or more caravans in his possession or under his control on the land	Select...	D
There is a suitable pitch on a relevant caravan site for the caravan, or each of those caravans	Select...	E
The occupier of the land or a person acting on his behalf has asked police to remove the trespassers from the land.	Select...	F
All requirements must in place to use Section 62A	Select...	
Have welfare enquiries been carried out? <i>If Yes, ensure Welfare Enquiry Record is attached to Niche from Local Authority</i>	Select...	
Reviewing Inspector's Assessment <i>The information provided should support the Critical Incident Manager in the final decision being made on whether the group and/or an individual should be directed to leave the land.</i>		
[Information]		
Name		ID#
Date		Time

Direction to leave decision (Critical Incident Manager)			
<i>A record of the grounds for the decision, including any action taken to resolve either aggravating factors or welfare issues that may have arisen. A summary of the impact on the human rights of all parties involved should be included, highlighting the legitimacy, proportionality and necessity of the eviction action.</i>			
Is there an immediate need to direct to leave?		Select...	
Who will be directed to leave?		Select...	
Legislation used	Select...		
If Section 60C	Select....		
If Section 61	Select....		
If Section 62A, site to be directed to:			
[Rationale]			
What date are notices to be served?			
Date		Time	
When should the trespassers leave by			
Date		Time	
Signed			
Name		FIN	Rank
Date		Time	



Appendix 3 -
Direction To Leave Lai

Appendix 4 – Notice to Leave Land Forms

NOTICE TO LEAVE LAND

In accordance with Section 60C of the Criminal Justice and Public Order Act 1994, I direct all those on this land to leave for the following reasons:

I believe that you are residing or intending to reside on the land without the consent of the occupier and that you have or intend to have at least one vehicle with you and that you have caused or are likely to cause SIGNIFICANT damage, disruption or distress.

You are required to leave and remove your property with you.

AUTHORISING OFFICER					
Signed		Date		Time	
Name		Force ID		Rank	
Ref. No.					

SERVING OFFICER					
Name		Force ID		Date	
Location				Time	

<p>You must leave this land as soon as reasonably practicable or by the latest</p> <p>Date & Time</p> <p>➔</p> <p>If you fail to leave this land as soon as reasonably practicable or enter the land again as a trespasser within twelve months of this date, you commit an offence and could be arrested and/or prosecuted as well as having your vehicles removed by the Police.</p>

NOTICE TO LEAVE LAND

In accordance with **Section 61** of the **Criminal Justice and Public Order Act 1994**, I direct all those on this land to leave for the following reasons:

I believe that two or more of you have entered this land as trespassers, that you have a common purpose to reside on the land and that reasonable steps have been taken by or on behalf of the person entitled to possession of the land, to ask you to leave.

I further believe that:

- Damage, disruption or distress has been caused *and/or**
- You have between you six or more vehicles (including caravans) on the land*

AUTHORISING OFFICER					
Signed		Date		Time	
Name		Force ID		Rank	
Ref. No.					

SERVING OFFICER					
Name		Force ID		Date	
Location				Time	

<p>You must leave this land as soon as reasonably practicable or by the latest</p> <p>Date & Time</p> <p>→</p> <p>If you fail to leave this land as soon as reasonably practicable or enter the land again as a trespasser within twelve months of this date, you commit an offence and could be arrested and/or prosecuted as well as having your vehicles removed by the Police.</p>

NOTICE TO LEAVE LAND

In accordance with Section 62a of the Criminal Justice and Public Order Act 1994, I direct all those on this land to leave for the following reasons:

I direct you to leave this land, and to remove all vehicles and other property you have with you on the land as I reasonably believe that the following conditions are satisfied:

1. That you and one or more others are trespassing on the land and,
2. That you have between you at least one vehicle on the land and,
3. That you are present on the land with the common purpose of residing for any period and,
4. That you have one or more caravans in your possession or under your control on the land and there is a suitable pitch on a relevant caravan site for that caravan or each of those caravans and,
5. That the occupier of the land or a person acting on his behalf has asked the police to remove the trespassers from the land.

AUTHORISING OFFICER					
Signed		Date		Time	
Name		Force ID		Rank	
Ref. No.					

SERVING OFFICER					
Name		Force ID		Date	
Location				Time	

<p>You must leave this land as soon as reasonably practicable or by the latest</p> <p>Date & Time</p> <p>→</p> <p>If you fail to leave the relevant land as soon as reasonably practicable or enter ANY land in the area of the relevant local authority as a trespasser with the intention of residing there within twelve months of this date, <u>you commit an offence</u> and could be arrested and/or prosecuted as well as having your vehicles removed by the Police.</p>
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Appendix 5 – Training Slides: NPCC Operational Advice – Trespassing On Land Without Consent / Unauthorised Encampments



NPCC Operational Advice **Trespassing On Land Without Consent /** **Unauthorised Encampments**

Police Crime, Sentencing and Courts Act 2022
Changes to Legislation



Key things to remember...

Damage



Disruption



Distress



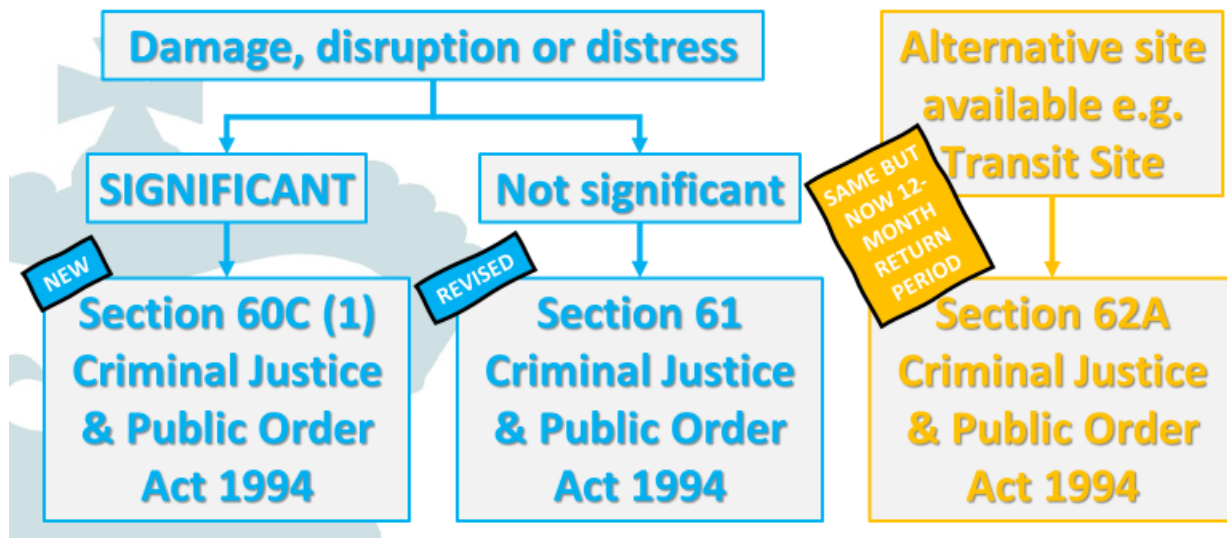
Highway
included



No return for
12 months



Keeping it simple...

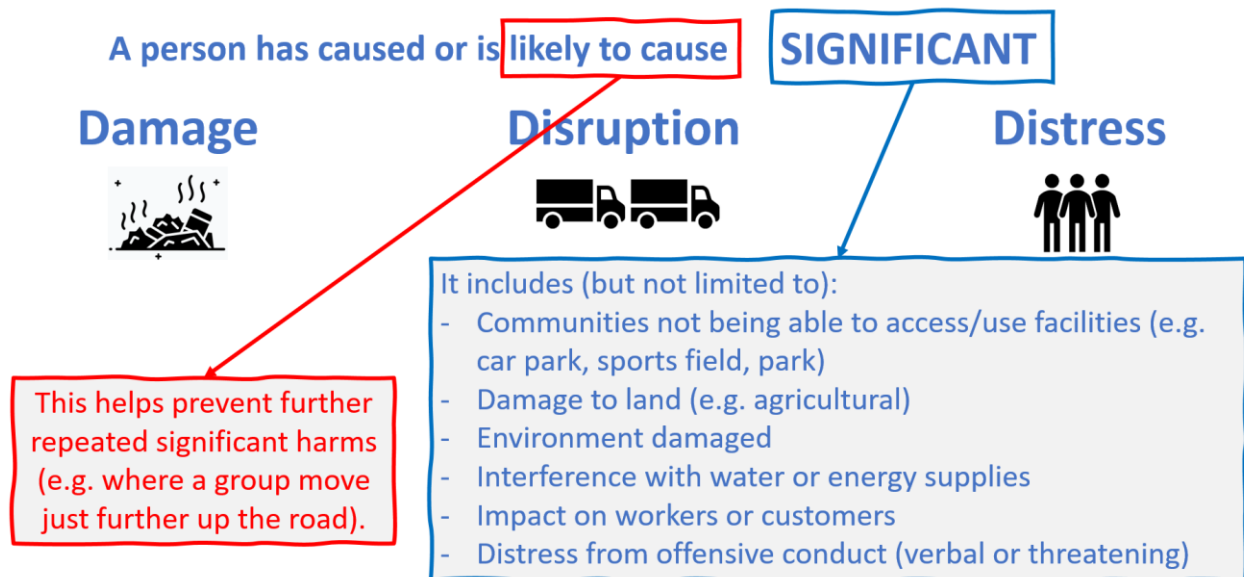


Section 60C (1) Criminal Justice & Public Order Act 1994

New Criminal Offence
introduced



Section 60C (4): What are these conditions?





When is an offence committed?

When all conditions are met in Section 60C (1) + (4) and:

A person fails to comply with the request to leave as soon as reasonably practicable or,

A person re-enters or enters the land (with intention to reside without consent and has, or intends to have a vehicle with them), within 12 months of the request being made.

Even if a person commits SIGNIFICANT damage, disruption or distress but leaves on the request given no offence is committed unless they return within the prohibited 12 months period (other offences may apply e.g. Criminal Damage or Public Order)

Reasonable excuse defence
No offence committed IF they can show they have a reasonable excuse for failing to comply (or re-entering the land)
NOTE that 'broken down vehicle' is *unlikely* to be considered a reasonable excuse



What can we do?

1. Inform Duty Officer
2. Brief the CIM
3. Request group leave once authorised by the CIM
4. Consider arrest if they fail to leave and Code G is met

Under Section 60D we can:

Remove property and/or seize vehicles if they fail to leave or return within 12 months

Here lies the issue... as the majority are 'nomadic' and may not have an address for summons - Code G is nearly always going to be met.
The knock-on effect is 'Who do we arrest?' and do we take any children located into Police Protection if their parents are under arrest, thus impacting on Local Authority?

However if we seize property/vehicles we have to return it if we are not seeking to prosecute for the offence.

Vehicle Seizures as per Police (Retention & Disposal of Motor Vehicles) Regs 2002

Section 61 Criminal Justice & Public Order Act 1994



Section 61 Criminal Justice & Public Order Act 1994

Amends the wording to include 'damage,
disruption or distress'

Now includes the
highway

Extends the period not to return
from 3 months to 12 months



Section 61 Criminal Justice & Public Order Act 1994



2 or more persons



Trespassing



Land

Reasonable belief by police they are trespassers and intend to reside there

Reasonable steps taken by occupier or on their behalf to ask them to leave

and

~~Damage to
land/property~~

~~Used threatening, abusive or
insulting words or behaviour
towards occupier or their agent~~

or
Six or more
vehicles

Any of the trespassers has caused damage, disruption or distress

Section 62A Criminal Justice & Public Order Act 1994

Police reasonably believe that:



2 or more persons



Trespassing



Common purpose to reside

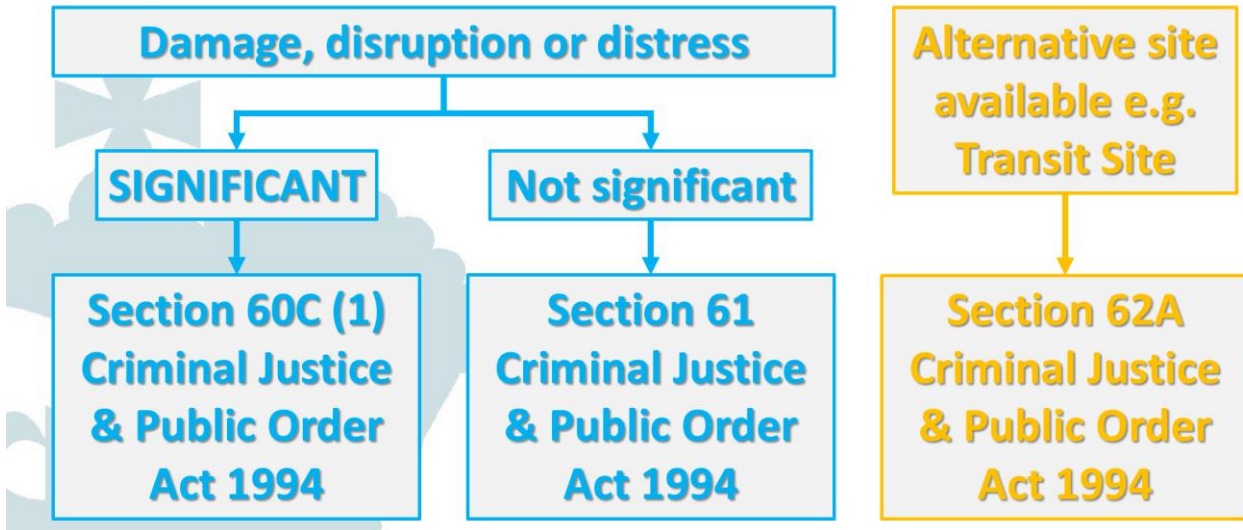
Suitable pitch on a
relevant site is available



One or
more
caravans

Occupier has asked police to remove them

Keeping it simple...



What does the Home Office say?

Where possible, the police should liaise with local authorities when assessing each individual case and rely on the evidence in each to determine the appropriate powers to use.

It remains the case that the response to UEs requires a locally driven multi-agency response, led by local authorities and supported by police.

The decision on which police powers are used remains at the discretion of the police officer attending a particular incident who must, when exercising discretion, have regard to this guidance

Section 77 Criminal Justice & Public Order Act 1994

It appears to Local Authority that:



Persons are for a time residing in a vehicle or vehicles

- (a) on any part of a **highway**;
- (b) on any other **unoccupied land**; or
- (c) on any **occupied land without the consent** of the occupier

...they may direct them to leave.

Offence: Fail to leave

Action: Seek Section 78 order from Magistrates



Training Slides -
PCSC Act 2022 - May



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